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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

CONTINUATION OF 11


*Claims 8 and 9*

Applicant argues "neither Nakamura nor Kamada teach or suggest a processor that determines whether a size of a free space of said content storage means is equal to, or grater than a data size of said content stored in said means for temporarily storing data… Instead, Nakamura is wholly silent regarding any form of determination in this regard, and the cited portion of Kamada simply describe that a user can manually delete an application if the local storage is full of data using an organization of "MY MENU" in "MY MENU"."

In response, these arguments have been fully considered, but they are not deemed persuasive since Nakamura discloses **[data is stored from RAM 63 to non-volatile RAM 64 (pars. 0084-0087, 0101 and 0110-0112) wherein "searches for data having the earliest registration data and time… and deletes the data. Subsequently, portable telephone 60 proceeds to step 1015 to register the regular music data now purchased (including the data that has been changed from trial-listening music data to regular data) in the area where the deleted data was registered" (pars. 0083, 0087)].** Applicant should note that in order to write data from RAM 63 to RAM 64, the size of the free space in the RAM 64 must be equal to or greater than the size of the data to be written otherwise the data would not be written. Nakamura teaches deleting data to write data in place of the old data. Therefore, the system/method taught by Nakamura inherently determines whether a size of a free space of said content storage means is equal to, or grater than a data size of said content stored in said means for temporarily storing data since data cannot be written to the RAM 64 when there is insufficient space. Kamada

further discloses [**writing application data to local storage if there is enough space or deleting data by the user when there is not enough space in order to make space for new application data (pars. 0226, 0277-278, 0294) wherein the user may deleted unnecessary applications (par. 0214)**]; wherein, in the case of Kamada, data must be deleted to make room for new data; therefore, in order the system/method taught by Kamada to store data in local storage, it must inherently determine whether a size of a free space of said content storage means is equal to, or grater than a data size of said content stored in said means for temporarily storing data since data cannot be written to the local storage when there is insufficient space.

Applicant argues "neither Nakamura or Kamada teach or suggest any form of prompt to a user, or a processor that determines if, after deletion of said one or more other contents, said free space of said content storage means will be equal to, or greater than, said data size of said contents, said processor provides indication thereof to the user as described in Claim 9."

In response, these arguments have been fully considered, but they are not deemed persuasive since Nakamura discloses [**data is stored from RAM 63 to non-volatile RAM 64 (pars. 0084-0087, 0101 and 0110-0112) wherein "searches for data having the earliest registration data and time… and deletes the data. Subsequently, portable telephone 60 proceeds to step 1015 to register the regular music data now purchased (including the data that has been changed from trial-listening music data to regular data) in the area where the deleted data was registered" (pars. 0083) "the user can designate a music data to be deleted instead of deleting the data having the earliest registration date and time among a plurality of already registered music data" (0087)**] and Kamada discloses [**"if the local storage is full**

**of data, the user can delete the application to make space for some other purpose" (par.**

**0226) "in order to use the limited storage capacity of the terminal device, the user is**

**allowed to deleted desired applications in the play list" (par. 00278)].** Therefore, according to

both Nakamura and Kamada, data must be deleted to make room for new data; therefore, in order

the system/method taught by the combination of Nakamura, Kamada and Sparks to store data, it

must inherently determine whether a size of a free space of said content storage means is equal

to, or grater than a data size of said content stored in said means for temporarily storing data

since data cannot be written to the RAM 64 of Nakamura or local storage of Kamada when there

is insufficient space. Further, Nakamura discloses a user may select data to delete from RAM

storage 64 in order to be able to store new data and Kamada teaches the user may delete data

when the local storage is full; therefore, unless the user is informed that the memory device is

full, the user has no means of knowing this information in order to delete data to make room for

other data; therefore, disclosing prompting a user to delete data when there is insufficient space

in the storage device and providing an indication thereof to the user. Note that in a situation

when the memory device is full, new data cannot be stored and the user must be prompted to

delete data in order to make room for new data.

*Claim 10*

Applicant argues the combination of Nakamura, Kamada and Sparks does not disclose "a

processor that reads said content from said means for temporarily storing data, and writes said

contents in said content storage means, and said processor deletes said contents that were stored

in said means for temporarily storing data when said processor exits said contents that were

being processed or executed."

In response, these arguments have been fully considered, but they are not deemed

persuasive since the combination of Nakamura, Kamada and Sparks discloses "a processor that

reads said content from said means for temporarily storing data, and writes said contents in said

content storage means, and said processor deletes said contents that were stored in said means for

temporarily storing data when said processor exits said contents that were being processed or

executed" as Nakamura discloses **[trial-listening music data is stored temporarily to volatile**

**RAM 63 (pars. 0061, 0075) wherein trial-listening music data cannot be registered…** (*or*

*stored in non-volatile RAM 64*) **when data indicating that the music data is the trial-**

**listening music data is written in the header (pars. 0061, 0073, 0075, 0101) wherein trial**

**music data is deleted from RAM 63** (*interpreted as means for temporarily storing data*) **after**

**it has been executed by processor a predetermined number of times** (*which corresponds to*

*deleting contents when said processor exits said contents that were being processed or*

*executed*) **(par. 0098). Sparks discloses "the demonstration system is preferably further**

**configured to reverse all durable changes to the computer on completion of the**

**demonstration" (pars. 0021-0022);** *thus, all temporarily stored data is deleted*].

*Claims 16 and 33*

Applicant argues the combination of Nakamura, Kamada and Sparks does not teach "a

processor that exits and automatically deletes the temporarily stored content in response to

receipt of a user command to cease execution or processing of the temporarily stored content in

the absence of an indication in the storage control information that the temporarily stored content

is eligible for storage in the second storage area.... Instead Nakamura describes conversion of

trial listening music data to regular music data by deletion of header information indicting the

data is for trial... Kamada describes manual deletion by a user... and Sparks describes only a

temporarily stored middleware demonstration program."

In response, these arguments have been fully considered, but they are not deemed

persuasive since the combination of Nakamura, Kamada and Sparks discloses "a processor that

exits and automatically deletes the temporarily stored content in response to receipt of a user

command to cease execution or processing of the temporarily stored content in the absence of an

indication in the storage control information that the temporarily stored content is eligible for

storage in the second storage area" as **[Nakamura discloses trial-listening music data is stored**

**temporarily to volatile RAM 63 (pars. 0061, 0075) wherein "trial-listening music data**

**cannot be registered...** (*or stored in non-volatile RAM 64*) **data indicating that the music**

**data is the trial-listening music data" is written in the header (pars. 0061, 0073, 0075, 0101)**

**wherein trial music data is deleted from RAM 63 after it has been executed by processor a**

**predetermined number of times (par. 0098)** (*thus, exiting and automatically deleting*

*temporarily stored content*)**, absent and indication from the user that the user desires to**

**purchase regular music data (0077, 0080)** (*wherein information is only eligible for storage in*

*RAM 64 when the header indicates the data is regular music data and not trial data, for*

*example, by the absence of information indicating the data is trial data, note that when the*

*user purchases the data, the data becomes regular music data and it is stored to RAM 64*).

**Sparks discloses "the demonstration system is preferably further configured to reverse all durable changes to the computer on completion of the demonstration" (pars. 0021-0022)]**.

Applicant argues the combination of Nakamura, Kamada and Sparks does not disclose "prior to exit and automatic deletion of said temporarily stored content, prompts said user to store said content in said second storage area only in response to an indication in said content storage information that said content is indicated as storable long term in said communication device."

In response, this argument has been fully considered, but it is not deemed persuasive since Nakamura discloses **[trial-listening music data is stored temporarily to volatile RAM 63 (pars. 0061, 0075) wherein "trial-listening music data cannot be registered...** (*or stored in non-volatile RAM 64*) **data indicating that the music data is the trial-listening music data" is written in the header (pars. 0061, 0073, 0075, 0101) wherein trial music data is deleted from RAM 63 after it has been executed by processor a predetermined number of times (pars. 0080, 0098) wherein if it is determined that the received data is regular data according to header information, upon user request to register the data, the data may be registered or written to RAM 64 (0112, also see 0096-0101)]** wherein, contrary to Applicant's assertion, the user is prompted to purchase/register data (which includes storing said data in RAM 64), wherein when the user purchases the data, the header or storage control information is modified to indicate the data can now be stored to RAM 64 and is stored to RAM 64 when the header indicates the data is regular data and not trial data **[(fig. 9 and related text)]**.

*Claim 18*

Applicant argues "Claim 18 describes that the first storage area is a cache area of the memory, and the processor deletes data from the second storage area only in response to receipt of a user command to delete from the second storage area… the cited portions of Nakamura explicitly describe deletion from RAM 63… RAM 63 cannot possibly also be a second storage area configured for longer term storage of data as has been asserted in the office action."

In response, these arguments have been fully considered, but they are not deemed persuasive since Nakamura discloses deleting data from RAM 64 (which comprises a second storage area for longer term storage) than RAM 63 (a first storage area or cache for temporary storage of data) only in response to a user command [**"the user can designate a music data to be deleted, instead of deleting the data having the earliest registration data and time among a plurality of already registered music data" (pars. 0087 and 0083)**].

*Claim 36*

Applicant argues the combination of Nakamura, Kamada and Sparks does not teach "a second writing process that is further executed to await receipt of said store command from said user of said communication device before being executed to write said contents is said contents storage means after said contents are read from said means for temporarily storing content."

In response, these arguments have been fully considered, but they are not deemed persuasive since Nakamura discloses [**the user must purchase regular music data in order for this data to be registered or stored to non-volatile RAM 64 (pars. 0084-0087, 0101, 0110-0112) wherein portable telephone wait for an instruction for purchasing or not purchasing**

the regular data (par, 0080) (*which corresponds to an instruction to write said contents to said content storage means after said contents are tried in RAM 63 and thus read from RAM 63*) and Kamada discloses, once the user has purchased applications, the user may download them from server (par. 0226)].

/Sanjiv  Shah/

Supervisory Patent Examiner, Art Unit 2185